



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

HOWREY SIMON ARNOLD & WHITE, LLP
BOX 34
301 RAVENSWOOD AVE.
MENLO PARK CA 94025

COPY MAILED

JAN 20 2004

OFFICE OF PETITIONS

In re Application of
Shellenberger
Application No. 10/663,187
Filed: September 15, 2003
Attorney Docket No. 02351.0007.NPUS01
For: METHOD OF TREATING TREMORS

: DECISION GRANTING
: PETITION

This is a decision on the paper entitled, "REQUEST FOR CORRECTING FILING DATE," filed October 23, 2003, requesting that the above-identified application be accorded a filing date of September 15, 2003, rather than September 16, 2003, which is the date stamped on the return receipt postcard for the application. The paper will be treated as a petition under 37 CFR 1.10(c).

Petitioner requests the earlier filing date on the basis that the application was deposited in Express Mail service of the United States Postal Service (USPS) on September 15, 2003, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label no. EL615430073US showing no "date-in" **and** a USPS date stamp of SEP 15, 2003. The same Express Mail label number is listed on the original Utility Patent Application Transmittal found in the application file.

The evidence presented establishes that the Express Mail package associated with Express Mail label no. EL615430073US was deposited with the USPS on September 15, 2003.

Accordingly, the petition is granted.

No fee has been or will be charged in connection with this petition.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **September 15, 2003** and the mailing of a filing receipt reflecting the correct filing date.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions